

**Authority:** Item 11, Economic Development  
and Planning Committee  
Report: 09-005 (PED09049)  
CM: February 25, 2009

**Bill No. 038**

**CITY OF HAMILTON**

**BY-LAW NO. 09-038**

**To Amend Zoning By-law No. 6593 (Hamilton),  
Respecting 434 King Street West**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former Regional Municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

**AND WHEREAS** the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** the Council of The Corporation of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25<sup>th</sup> day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7<sup>th</sup> day of December 1951, (File No. P.F.C. 3821);

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item 11 of Report 09-005 of the Economic Development and Planning Committee at its meeting held on the 25<sup>th</sup> day of February, 2009, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

**AND WHEREAS** this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

## By-law Respecting 434 King Street West

(Page 2 of 4)

1. That Sheet No. W12 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton) is amended, by changing the zoning from the "H" (Community Shopping and Commercial, Etc.) District to the "H/S-1602" (Community Shopping and Commercial, Etc.) District - Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the "H" (Community Shopping and Commercial, Etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, are modified to include the following special requirements:
  - (a) That notwithstanding Section 14(1) of Zoning By-law No. 6593, a "Commercial Entertainment" establishment shall be permitted only within the building existing at the date of the passing of this By-law, being the 25<sup>th</sup> day, of February, 2009. For the purpose of this by-law, a "Commercial Entertainment" establishment shall mean:

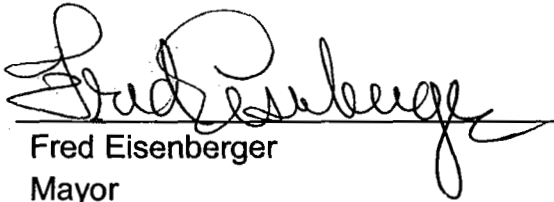
"A use of an establishment for the general purpose of providing entertainment or amusement for a fee and shall include, for example, but not limited to cinemas, performing arts, theatres, bingo halls, dance club, cultural events, but shall not include any amusement arcade or adult entertainment parlour."
  - (b) That notwithstanding Section 14 of Zoning By-law No. 6593, the location of the building existing on the day of the passing of this By-law, being the 25<sup>th</sup> day, of February, 2009, shall be deemed to comply.
  - (c) That Section 14(9)(i) of Zoning By-law No. 6593, shall not apply to the building existing on the day of the passing of this By-law, being the 25<sup>th</sup> day, of February, 2009.
  - (d) That notwithstanding Section 18A(1)(a) of Zoning By-law No. 6593, no parking shall be required for a Commercial Entertainment use.
  - (e) That notwithstanding Section 18A(1)(d) of Zoning By-law No. 6593, no loading shall be required for a Commercial Entertainment use.
3. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1602.
4. That Sheet W12 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1602.
5. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" (Community Shopping and Commercial, Etc.) District, provisions, subject to the special requirements referred to in Section 2.

**By-law Respecting 434 King Street West**

(Page 3 of 4)

6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

**PASSED and ENACTED** this 25<sup>th</sup> day of February, 2009.



Fred Eisenberger  
Mayor

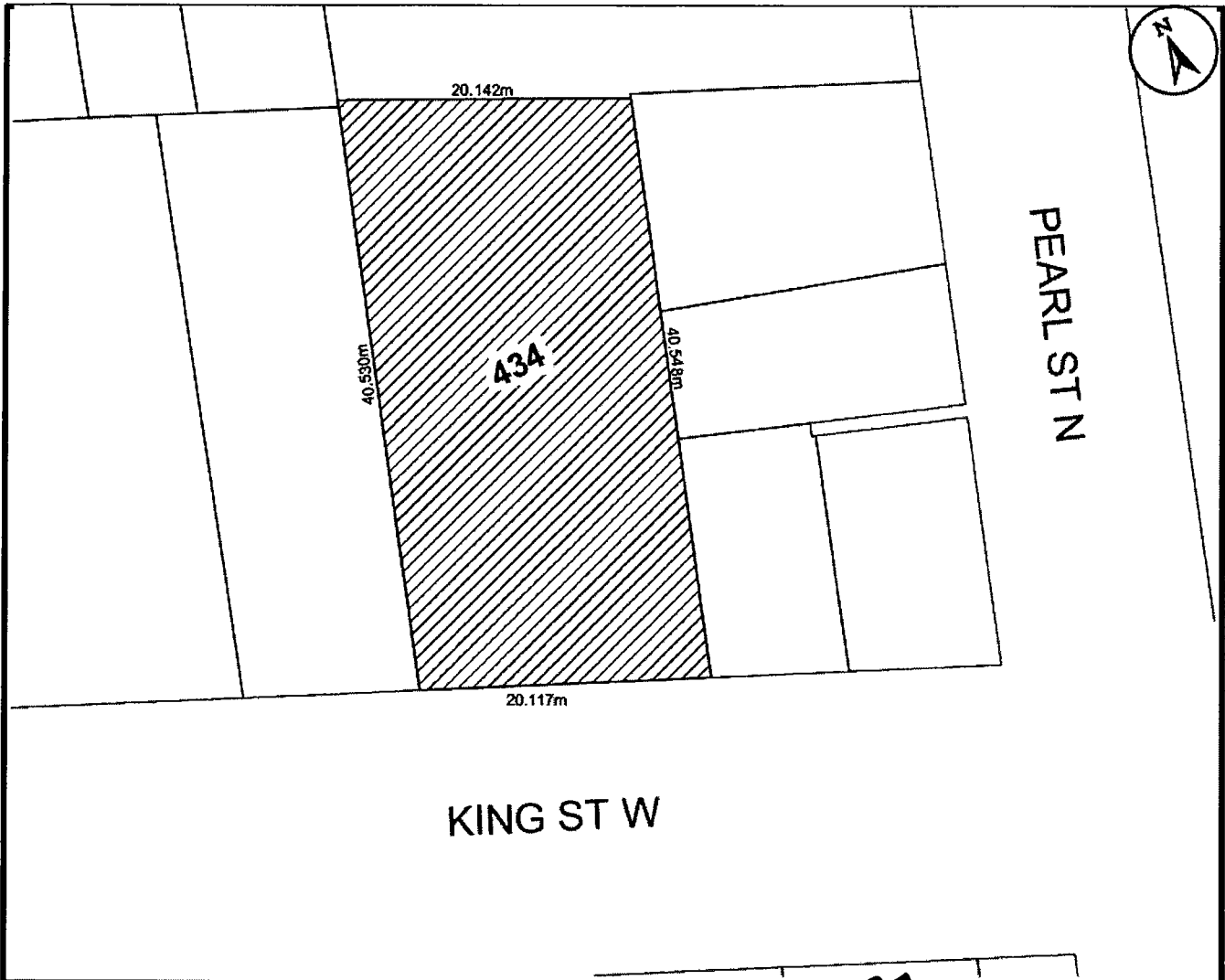


Kevin C. Christenson  
City Clerk

ZAC-08-068

By-law Respecting 434 King Street West

(Page 4 of 4)



This is Schedule "A" to By-Law No. 09-038

Passed the 25th day of February, 2009

*[Signature]*  
Clerk  
*[Signature]*  
Mayor

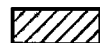
**Schedule "A"**

Map Forming Part of  
By-Law No. 09-038

to Amend By-law No. 6593

**Subject Property**

434 King Street West



Change in zoning from the H (Community Shopping and Commercial, etc) District to the H/S-1602 (Community Shopping and Commercial, etc.) District - Modified.

Scale:  
N.T.S.

File Name/Number:  
ZAC-08-068

Date:  
November 19, 2008

Planner/Technician:  
MB / NH



Hamilton